

# **EXHIBIT 9**

## **UNREDACTED PUBLIC VERSION**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IOENGINE, LLC,	)	
	)	
<i>Plaintiff/Counterclaim Defendant,</i>	)	
	)	
v.	)	C.A. No. 18-452-WCB
	)	
PAYPAL HOLDINGS, INC.,	)	
	)	
<i>Defendant/Counterclaim Plaintiff.</i>	)	Jury Trial Demanded
	)	

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

1. Plaintiff IOENGINE, LLC (“Plaintiff” or “IOENGINE”), by and through its undersigned counsel, alleges as follows:

**THE PARTIES**

2. IOENGINE is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business at 22 Ensign Road, Norwalk, Connecticut 06853.

3. Defendant PayPal Holdings, Inc. (“Defendant” or “PayPal”) is a corporation organized and existing under the laws of the State of Delaware, having a place of business at 2211 North First Street, San Jose, California, 95131.

4. Defendant’s registered agent in the State of Delaware is The Corporation Trust Company, 1209 Orange Street, City of Wilmington, County of New Castle, 19801.

112. In each case, the information and materials provided by PayPal contain detailed descriptions and instructions for using and implementing the functionality claimed in at least Claim 1 of the '047 Patent including, at least, card reader device setup, processing chip card ("EMV") card payments, processing magnetic stripe card payments, processing contactless payments, processing refunds, and processing firmware updates.

113. Defendant additionally instructs and encourages its customers, Point of Sale Partners, and third parties to use the PayPal Infringing Products in a manner that infringes at least Claim 1 of the '047 Patent by instructing and encouraging its customers and third-parties to use the PayPal Infringing Products with PayPal's Point of Sale Partners.

**THIRD COUNT FOR RELIEF**  
**(DIRECT INFRINGEMENT OF THE '969 PATENT)**

114. IOENGINE repeats, re-alleges, and incorporates by reference the preceding paragraphs as if fully set forth herein.

115. The '969 Patent is presumed valid and PayPal has had actual knowledge of the '969 Patent since the filing of the March 23, 2018 Complaint.

116. PayPal is not licensed under the '969 Patent and has no other right or permission to practice the invention embodied therein.

117. On information and belief, PayPal has infringed and continues to infringe, directly (alone or jointly), literally, and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271, one or more claims of the '969 Patent by performing, without authority, one or more of the following acts: making, having made, using, importing, selling, and offering for sale in the

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a link to the video entitled "How to Setup Chip Card Reader on Mobile or Tablet (PayPal Here)" on PayPal's YouTube channel).

United States one or more products or services that embody the invention claimed in the '969 Patent, including but not limited to the PayPal Infringing Products. Since receiving notice of the March 23, 2018 Complaint, Defendant has knowingly infringed, and continues to infringe, one or more claims of the '969 Patent by making, having made, using, importing, selling, and offering for sale in the United States the PayPal Infringing Products, which products constitute a material part of the invention and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

118. For example, the PayPal Infringing Products embody the patented invention of the '969 Patent and infringe at least Claim 2 of the '969 patent because each of PayPal's card reader products for mobile payments is:

“A portable device configured to communicate with a terminal comprising a processor, an input component, an output component, a network communication interface, and a memory configured to store executable program code, including first program code which, when executed by the terminal processor, is configured to present an interactive user interface on the terminal output component, and second program code which, when executed by the terminal processor, is configured to provide a communications node on the terminal to facilitate communications to the portable device and to a communications network node through the terminal network communication interface, the portable device comprising:

(a) an external communication interface configured to enable the transmission of communications between the portable device and the terminal;

(b) a processor; and

(c) a memory having executable program code stored thereon, including:

(1) third program code which, when executed by the portable device processor, is configured to provide a communications node on the portable device to coordinate with the communications node on the terminal and establish a communications link between the

**FIFTH COUNT FOR RELIEF**  
**(DIRECT INFRINGEMENT OF THE '703 PATENT)**

195. IOENGINE repeats, re-alleges, and incorporates by reference the preceding paragraphs as if fully set forth herein.

196. PayPal is not licensed under the '703 Patent and has no other right or permission to practice the invention embodied therein.

197. The '703 Patent is presumed valid and PayPal has had actual knowledge of the '703 Patent since the filing of the March 23, 2018 Complaint.

198. On information and belief, PayPal has infringed and continues to infringe, directly (alone or jointly), literally, and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271, one or more claims of the '703 Patent by performing, without authority, one or more of the following acts: making, having made, using, importing, selling, and offering for sale in the United States one or more products or services that embody the invention claimed in the '703 Patent, including but not limited to the PayPal Infringing Products. Since receiving notice of the March 23, 2018 Complaint, Defendant has knowingly infringed, and continues to infringe, one or more claims of the '703 Patent by making, having made, using, importing, selling, and offering for sale in the United States the PayPal Infringing Products, which products constitute a material part of the invention and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

199. For example, the PayPal Infringing Products embody the patented invention of the '703 Patent and infringe at least Claim 104 of the '703 patent because the PayPal Infringing Products constitute:

“A system implementing a terminal having a processor, an input component, an output component, a network communication